

### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-4, 6, 8-18, 22, and 23 are pending in the application, with claims 1, 4, and 22 being independent. Claims 19-21 are canceled herein without prejudice to or disclaimer of the subject matter recited therein. Claims 1, 2, 4, and 22 are amended, and claim 23 is newly added. No new matter has been added.

### **§ 102 REJECTION**

**Claims 1-4 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,441,211 (Donzis).** This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection, claim 1 has been amended to include the features of dependent claim 2 and the dependency of claim 2 has been changed accordingly. Claim 4 has been rewritten in independent form.

**Independent claim 1**, as presently presented, is directed to a protective garment, and recites, among other things, a first protective panel attached to the breast portion of the base fabric, and a second protective panel attached to the breast portion of the base fabric, wherein the first and second protective panels are positioned in a non-overlapping configuration, wherein each of the first and second protective panels comprises a substantially rectangular panel, and wherein the first protective panel is positioned on a right side of the breast portion and the second protective panel is positioned on a left side of the breast portion. Donzis fails to disclose or suggest such features.

Donzis is directed to a protective batting jacket having a plurality of shock absorbing structures to protect the batter from injury caused by a pitched ball. The shock absorbing structure includes a flexible air-tight fabric structure having an internal surface defining a chamber and an external surface adapted to be in fluid communication with the atmosphere outside the shock absorbing structure. (Abstract.)

However, Donzis fails to disclose or suggest first and second protective panels attached to the breast portion “wherein each of the first and second protective panels comprises a substantially rectangular panel,” as presently recited in independent claim 1. Rather, the shock absorbing structures disclosed in Donzis are “shaped to protect the wearer’s ribs, sternum, scapula, spine, kidneys, as well as other organs and skeletal regions,” and are shown in the figures as being generally oval shape. Accordingly, independent claim 1 is allowable over Donzis.

**Dependent claims 3, 6, and 10** depend from independent claim 1 and are allowable by virtue of this dependency, as well as for additional features that they recite. Individual consideration of each dependent claim is requested.

**Independent claim 4**, as presently presented, is directed to a protective garment, and recites, among other things, a first protective panel attached to the breast portion of the base fabric, and a second protective panel attached to the breast portion of the base fabric, and a pair of sleeves attached to the base fabric for receiving the person’s arms, and a protective panel attached to a forearm portion of each sleeve. Donzis fails to disclose or suggest such features.

As discussed above, Donzis is directed to a protective batting jacket having a plurality of shock absorbing structures to protect the batter from injury caused by a

pitched ball. However, Donzis fails to disclose or suggest that the jacket has “a pair of sleeves attached to the base fabric for receiving the person's arms, and a protective panel attached to a forearm portion of each sleeve,” as presently recited in independent claim 4. In fact, Donzis shows his “jacket” having short sleeves, which do not even cover a forearm portion of a user, and certainly do not include a protective panel attached to a forearm portion of each sleeve. Accordingly, independent claim 4 is allowable over Donzis.

**Dependent claim 2** depends from independent claim 4 and is allowable by virtue of this dependency, as well as for additional features that it recites. For example, dependent claim 2 recites that “each of the first and second protective panels comprises a substantially rectangular panel, and wherein the first protective panel is positioned on a right side of the breast portion and the second protective panel is positioned on a left side of the breast portion.” As discussed above with respect to independent claim 1, Donzis does not disclose or suggest that “each of the first and second protective panels comprises a substantially rectangular panel,” as recited in dependent claim 2. Accordingly, claim 2 is allowable for at least this additional reason.

### **§ 103 REJECTIONS**

**Claims 11-18, 21, and 22 were rejected under 35 U.S.C. § 103(a) as being obvious over Donzis in view of U.S. Patent No. 6,154,880 (Bachner, Jr.).** This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection, claim 21 has been canceled herein without prejudice to or disclaimer of the subject matter recited therein.

**Dependent claims 11-18** depend from independent claim 1 and, therefore, include all of the features of that claim.

As discussed above, Danzis lacks features of independent claim 1.

Bachner, Jr. is directed to a puncture resistant protective garment and was cited for its teaching of “ballistic panels being made of aramid fibers such as KEVLAR with different structural properties” (Office Action, page 3). However, Bachner, Jr. fails to remedy the deficiencies in Danzis noted above with respect to independent claim 1. In particular, Bachner, Jr. also lacks any disclosure or suggestion of first and second protective panels attached to the breast portion “wherein each of the first and second protective panels comprises a substantially rectangular panel,” as presently recited in independent claim 1.

Thus, claims 11-18 are allowable over Danzis in view of Bachner, Jr. (assuming, for the sake of argument, that they can even be combined) by virtue of their dependence from independent claim 1, as well as for the additional features that they recite.

**Independent claim 22**, as presently presented, is directed to a protective garment, and recites, among other things, a first protective panel attached to the breast portion of the base fabric, a second protective panel attached to the breast portion of the base fabric, a pair of sleeves attached to the base fabric for receiving the person's arms, and a protective panel attached to a forearm portion of each sleeve, wherein each of the first and second protective panels comprises a substantially rectangular panel. Both Danzis and Bachner, Jr. lack such features.

As discussed above with respect to independent claims 1 and 4, Danzis lacks “a pair of sleeves attached to the base fabric for receiving the person's arms, and a protective

panel attached to a forearm portion of each sleeve, wherein each of the first and second protective panels comprises a substantially rectangular panel.”

Bachner, Jr. was cited for its teaching of “ballistic panels being made of aramid fibers such as KEVLAR,” but fails to remedy the deficiencies of Danzis noted above. Specifically, Bachner, Jr. also fails to disclose or suggest a protective garment having “a pair of sleeves attached to the base fabric for receiving the person's arms, and a protective panel attached to a forearm portion of each sleeve, wherein each of the first and second protective panels comprises a substantially rectangular panel,” as presently recited in independent claim 22.

Accordingly, independent claim 22 is allowable over Danzis in view of Bachner, Jr. (assuming, for the sake of argument, that they can even be combined).

**Dependent claims 6, 8, and 9 were rejected under 35 U.S.C. § 103(a) as being obvious over Donzis in view of U.S. Patent No. 5,247,707 (Parker et al.).** This rejection is respectfully traversed.

Dependent claims 6, 8, and 9 depend from independent claim 1 and, therefore, include all of the features of that claim.

As discussed above, Danzis lacks features of independent claim 1.

Parker et al. is directed to a utility vest with an integrally carried pack and was cited for its teaching of “loops (16) being attached to a front portion of a garment and having the bottom of the garment being attached to a safety belt (B) by loops (14)” (Office Action, page 4). However, Parker et al. fails to remedy the deficiencies of Danzis noted above with respect to independent claim 1. In particular, Parker et al. also lacks any disclosure or suggestion of first and second protective panels attached to the breast

portion “wherein each of the first and second protective panels comprises a substantially rectangular panel,” as presently recited in independent claim 1.

Thus, claims 16, 8, and 9 are allowable over Danzis in view of Parker et al. (assuming, for the sake of argument, that they can even be combined) by virtue of their dependence from independent claim 1, as well as for the additional features that they recite.

**Claim 21 and 22 were rejected under 35 U.S.C. § 103(a) as being obvious over Danzis in view of U.S. Patent No. 6,141,800 (Regan).** This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection, claim 21 has been canceled herein without prejudice to or disclaimer of the subject matter recited therein.

**Independent claim 22**, as presently presented, is directed to a protective garment, and recites, among other things, a first protective panel attached to the breast portion of the base fabric, a second protective panel attached to the breast portion of the base fabric, a pair of sleeves attached to the base fabric for receiving the person's arms, and a protective panel attached to a forearm portion of each sleeve, wherein each of the first and second protective panels comprises a substantially rectangular panel. Both Danzis and Bachner, Jr. lack such features.

As discussed above with respect to independent claims 1, Danzis lacks first and second protective panels attached to the breast portion of a base fabric, “wherein each of the first and second protective panels comprises a substantially rectangular panel.”

Regan was cited for its alleged teaching of “a garment having the elongated portion (20) having a protective panel (30) being attached to a hand portion thereof,” but

fails to remedy the deficiencies of Danzis noted above. Specifically, Regan also fails to disclose or suggest a protective garment “wherein each of the first and second protective panels comprises a substantially rectangular panel,” as presently recited in independent claim 22.

Accordingly, independent claim 22 is allowable over Danzis in view of Regan (assuming, for the sake of argument, that they can even be combined).

New 23 depends from independent claim 1 and is, therefore, allowable for at least the same reasons as that claim, as well as for the additional features that it recites. For example, claim 23 recites that “the protective panels comprise Zylon® fiber.” None of the cited documents discloses or suggests a protective garment comprising Zylon® fiber. Accordingly, claim 23 is allowable for at least this additional reason.

### **CONCLUSION**

For at least the foregoing reasons, claims 1-4, 6, 8-18, 22, and 23 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **the Examiner is requested to contact the undersigned attorney to resolve the issue.**

Respectfully submitted,

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